

The Drawings:

Enclosed are 3 sheets of formal drawings depicting Figures 1-4. Please substitute these drawings for those currently on file in the subject application.

There are no changes to the drawings.

Attachment : Replacement Sheets

REMARKS

Claims 1-43 are pending in the application. Claims 37-43 are withdrawn from consideration. Claims 1-36 stand rejected.

Applicant respectfully requests reconsideration in view of the foregoing amendments and the remarks hereinbelow.

Rejection of Claims under 35 U.S.C. 103:

Claims 1-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pinkerman et al. (US 2004/0248073) in view of Burger et al. (US 2005/0116026). The applicants respectfully traverse this rejection on the grounds followed. Neither Pinkerman nor Burger et al. were published prior to the pending application and they are therefore they are only properly considered as a combination of 102(e) prior art. Pinkerman et al. is only prior art as to the extent of the disclosure made in provisional application 60/472,216.

The present application was filed under 35 U.S.C. 111(a) on November 26, 2003. Pinkerman et al. U.S. 2004/0248073 is the published version of U.S. Pat. App. No. 10/851,372 which was filed under 35 U.S.C. 111(a) on May 21, 2004. Pinkerman et al. however, claims the benefit of the filing date of Provisional U.S. Patent Application No. 60/472,216 which was filed on May 21, 2003. There are substantial differences between the extent of the disclosure made in provisional application 60/472,216 and the disclosure made in application 10/851,372 as cited by the Examiner.

M.P.E.P. Section 2136.03 entitled Critical Reference Date, Part II. entitled PRIORITY FROM PROVISIONAL APPLICATION UNDER 35 U.S.C. 119(e) notes that the 35 U.S.C. 102(e) critical reference date of a U.S. patent entitled to the benefit of the filing date of a provisional application under 35 U.S.C. 119(e) is the filing date of the provisional application.

It is also well understood that under 35 USC 119(e) the benefit of such priority extends only to the extent that the provisional patent provides support under the first paragraph of 35 U.S.C. 112 for the application that claims the benefit of the filing date of the provisional application. The first paragraph of 35 U.S.C. 112 requires that:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person

skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Accordingly, Pinkerman et al. U.S. Pat. App. No. 10/851,372 can only be considered as being prior art as to that subject matter that finds support in provisional application U.S. Pat. App. No. 60/472,216 from which U.S. Pat. App. No. 10/851,372 claims priority. This provisional application is attached hereto as appendix A. The full written description provided by U.S. Prov. Pat. App. No. 60/472,216 is as follows:

Invention utilizes a card-like piece of material to present audio video and/or audio information. The present invention can be a card stock-like piece of material that can display video and-or audio information. Unlike traditional in video paper devices, the present invention does not utilize separate devices to present the video and/or audio information.

In some embodiments there is a thin film display with associated memory chip circuitries them the in area either in the text or on the unit to "activate" certain areas in order to display video and/or audio information.

Some embodiments are similar in appearance to conventional greeting cards. In such embodiments the center of the card programs a message. Programming of the device may be accomplished by linking the device through wired or wireless means to a digital computer or other device. Other embodiments provide a means to program the sender's message without the use a separate devices.

Embodiments may be used to enhance greeting cards, newspapers, magazines, books general media, and the like. Such embodiments provide a means to heighten communication with individuals with no access to separate digital devices.

The applicants respectfully submit that any subject matter from U.S. Pat. App. No. 10/851,372 that is relied upon by the Office Action, but that is not found within these paragraphs of U.S. Pat. App. No. 60/472,216 or clearly illustrated in the drawing submitted with this application not "disclosed" by Pinkerman et al. The Applicants therefore respectfully traverse the rejection of the following

claims at least on grounds that the application fails to disclose the following features:

1. Claim 1 Write Once Memory or Display Controller on Back of Display

The drawing submitted with the '216 application does not disclose the whereabouts or the existence of any components and instead the '216 application appears to suggest that the "thin film" is used for presenting video and/or audio information which in turn suggests that the components of the system are part of the thin film noting that "In some embodiments there is a thin film display with associated memory chip circuitries"

2. Claim 7 OLED Display

In the Office Action, Pinkerman is said to disclose "a flat panel display e.g. an OLED) However, U.S. Pat. App. No. 60/472,216 merely discloses a card stock-like piece of material to present video and/or audio information. In one embodiment a "thin film for presenting video and audio information is described." One of skill in the the art is not clear as to what technology is being used to provide such a "thin film." It is clear that the term OLED was not described by U.S. Pat. App. No. 60/472,216 and was only added during the filing of U.S. Pat. App. No. 10/851,732 on May 21, 2004.

3. Claims 11 Passive Matrix Display

In the Office Action, Pinkerman is said to disclose "a flat panel display e.g. an OLED) However, U.S. Pat. App. No. 60/472,216 merely discloses a card stock-like piece of material to present video and/or audio information. In one embodiment a "thin film for presenting video and audio information is described." One of skill in the art is not clear as to what technology is being used to provide such a "thin film". Further, the term "passive matrix" was not described by U.S. Pat. App. No. 60/472,216 and was not added even with the filing of U.S. Pat. App. No. 10/851,732 on May 21, 2004.

4. Claims 12 Reflective Display

In the Office Action, Pinkerman is said to disclose "a thin film display OLED or the like." However, U.S. Pat. App. No. 60/472,216 merely discloses a card stock-

like piece of material to present video and/or audio information. In one embodiment a “thin film for presenting video and audio information is described.” One of skill in the art is not clear as to what technology is being used to provide such a “thin film”. Further, the term “reflective display” was not described by U.S. Pat. App. No. 60/472,216 and was not added even with the filing of U.S. Pat. App. No. 10/851,732 on May 21, 2004.

5. Claim 13 Bi-Stable Cholesteric Display

In the Office Action, claim 13 is rejected, as Pinkerman is said to disclose “a thin film display OLED or the like.” However, U.S. Pat. App. No. 60/472,216 merely discloses a card stock-like piece of material to present video and/or audio information. In one embodiment a “thin film for presenting video and audio information is described.” One of skill in the art is not clear as to what technology is being used to provide such a “thin film”. Further, the term “bi-stable cholesteric display” was not added even with the filing of U.S. Pat. App. No. 10/851,732 on May 21, 2004.

In addition, it will be appreciated that such a bi-stable cholesteric display enables the display to continuously present an image which is a result that does not appear to be contemplated by the disclosure of a capacitance activation area that is used in U.S. Pat. App. No. 60/472,216 “to activate certain areas in order to display video and/or audio information.”

6. Claim 15 Non-Programmable State Machine

U.S. Pat. App. No. 60/472,216 does not teach or suggest any non-programmable embodiment or the use of a non-programmable state machine. Instead one of skill in the art is left with the suggestion of a programmable drive. Such a non-programmable state machine was not described even during the filing of U.S. Pat. App. No. 10/851,732.

7. Claim 22

U.S. Pat. App. No. 60/472,216 does not teach or suggest a switch for activating the display controller wherein the opening of the card actuates the switch. Instead the only disclosed structure for activating the display is capacitance activation

area that is used in U.S. Pat. App. No. 60/472,216 “to activate certain areas in order to display video and/or audio information.”

8. Claim 23

Claim 23 claims as follows:

23. (Original) A display system comprising:
a display;
a memory interface adapted to receive more than one type of write-once solid-state memory with each type of write-once solid-state memory having a different capacity for receiving image content; and
a display controller adapted to read image content stored a write-once solid-state memory received by the memory interface and to cause the display to present the image content.

Claim 23 stands rejected in part on grounds that “Pinkerman discloses any display system comprising: eight display (102); and memory interface (240) adapted to receive more than one type of memory (e.g. internal or external) with each type of memory having a different capacity for receiving image content.”

The applicants respectfully traverse this ground for rejection for the reason that U.S. Pat. App. No. 60/472216 does not teach or suggest a memory interface. Further, the term “memory interface” was not incorporated into the filing of U.S. Pat. App. No. 10/851,732 on May 21, 2004. Still further, it will be appreciated that the Office Action appears to have erred in construing U.S. Pat. App. No. 10/851,732 as this application incorporates a reference number 240 that is assigned to a processor and not to a memory interface as is suggested in the Office Action. Only one memory, memory 241 is disclosed and it is apparently fixed within the device. What is not disclosed is a memory interface that is adapted to receive anything other than memory 241, the use of more than one type of memory, or each type of memory having a different capacity for receiving image content.

Claim 23 also stands rejected on grounds that while Pinkerman does not disclose a write once memory, Berger et al. discloses a write once memory in a display system.

However, Berger et al. does not have a memory interface that is adapted to receive more than one type of write once solid state memory. Instead, Berger et al. merely shows the existence of a single write once memory that appears to be fixed within the display device. Specifically, a text search for reference number 213 in Berger et al. shows the following usages of reference number 212:

FIG. 2 shows an example embodiment of the Pocket Vault 102 of FIG. 1. The pocket vault 102 may employ components similar to those used in modern personal digital assistants (PDAs) and palm top computers. Examples of such products include PDAs such as the "Palm Pilot" from Palm, Inc. (www.palm.com), and the "Casiopedia" from Casio, Inc. of Dover, N.J. (www.casio.com). As shown, the Pocket Vault 102 may include a controller 202, as well as a transceiver 204, a user input device 206, a docking interface 208, a read/write memory 210, a write-once memory 212, a power manager 214, an indicator 215, a display 216, a token port 218, and a fingerprint scanner 220, all coupled to the controller 202. In addition, the Pocket Vault 102 may include a hard-wired memory (not shown) to store device serial numbers and key operating system and encryption software components.

The read/write memory 210 may take on any of a number of forms, and the invention is not limited to any particular type of memory. The memory 210 may, for example, comprise a suitable non-volatile SRAM. Similarly, any suitable memory device that permits a only single write operation to take place may be employed as the write-once memory 212...

After the step 706, the routine 700 proceeds to a step 708, wherein it is determined whether the fingerprint memory (e.g., the write-once memory 212 of FIG. 2) is erased. When, at the step 708, it is determined that the fingerprint memory is not erased, (i.e., a fingerprint is currently stored in the fingerprint memory), the routine 700 proceeds to a step 712, wherein it is determined whether the fingerprint scanned at the step 706 matches the fingerprint stored in the fingerprint memory 212....

When, at the step 804, it is determined that encrypted validation information has been received before the timeout period of the step 806 has elapsed, the routine 710 proceeds to a step 810, wherein the scanned fingerprint is stored in memory of the Pocket Vault 102 (e.g., in the write-once memory 212) ...

It will be appreciated that each of these uses of memory 212 suggests that the desired function requires that memory 212 remain in the devices. Accordingly, it is respectfully submitted that claim 23 is not taught or suggested by the cited references.

9. Claim 25

Claim 25 depends from claim 23, the Office Action rejects claim 25 using the same rationale and combination cited against claim 23. Accordingly, claim 25 is believed to be allowable over the cited combination for the reasons stated with respect to claim 23. Further, claim 25 claims the display system of claim 23, wherein the write-once solid-state memory has image content recorded therein before the write-once solid-state memory is received by the memory interface. This is not taught or suggested by U.S. Pat. App. No. 60/472,216, U.S. Pat. No. 10/851,732 or Berger et al.

10. Claim 30

Claim 30 has been amended and as amended is allowable over the cited combination, as the cited combination fails for the reasons cited above to teach the method of claim 30, wherein the step of providing a write-once solid-state memory comprises recording image content in the write-once solid-state memory and then functionally joining the write once solid-state memory to the display and display controller.

It is respectfully submitted, therefore, that in view of the above amendments and remarks, that this application is now in condition for allowance, prompt notice of which is earnestly solicited.

Respectfully submitted,



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